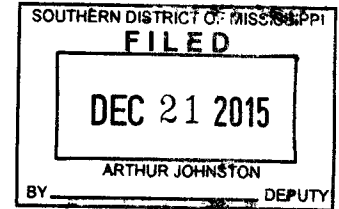


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION



MACK JAMES AND LARRY FISHER,

PLAINTIFFS

V.

CIVIL ACTION NO. 3:15-cv-920 CWR-FKB

TYRONE LEWIS IN HIS INDIVIDUAL AND OFFICIAL CAPACITIES
AS SHERIFF OF HINDS COUNTY, MISSISSIPPI

DEFENDANT

COMPLAINT
JURY TRIAL DEMANDED

COME NOW the Plaintiffs, Mack James and Larry Fisher, and files this action to recover damages for violations of their rights under the Fair Labor Standards Act against the Defendant, Tyron Lewis in his official and individual capacities as the current Sheriff of Hinds County, Mississippi. In support of this cause, the Plaintiffs would show unto the Court the following facts to-wit:

PARTIES

1. The Plaintiff, Mack James, is an adult male resident of Hinds County, Mississippi.
2. The Plaintiff, Larry Fisher, is an adult male resident of Hinds County, Mississippi.
3. Defendant, Tyrone Lewis in his official and individual capacity as the Sheriff of Hinds County, Mississippi may be served with process of this Court by serving Mr. Tyrone Lewis, Hinds County Sheriff, at 407 East Pascagoula Street, Jackson, Mississippi 39201.

JURISDICTION AND VENUE

4. This Court has federal question jurisdiction and venue is proper pursuant to 29 U.S.C. § 216(b).

STATEMENT OF THE FACTS

5. Plaintiffs are currently employed as animal control employees for Defendant.

6. Plaintiff Mack James has a normal shift of Sunday through Thursday where he is scheduled to work 8 a.m. until 4 p.m. without a 30 minute uninterrupted lunch break.

7. Plaintiff Larry Fisher has a normal shift of Tuesday through Saturday where he is scheduled to work 8 a.m. until 4 p.m. without a 30 minute uninterrupted lunch break.

8. Every Sunday and Monday Plaintiff Mack James is on call for the rest of the day before and after his shift.

9. Every Friday and Saturday Plaintiff Larry Fisher is on call for the rest of the day before and after his shift.

10. Every other week each Plaintiff is also on call Tuesday, Wednesday and Thursday.

11. Approximately once a week the Plaintiffs get called to come back after hours.

12. When they get called back it usually takes them 2 hours to do their work on average. In these cases the county gives them 4 hours of compensatory time, which is equivalent to 2.67 overtime hours.

13. While Plaintiffs are compensated for the times they get called back, they

are not compensated for their other time there are on call.

CAUSE OF ACTION

VIOLATION OF THE FAIR LABOR STANDARDS ACT

14. Plaintiffs and other similarly situated individuals were non-exempt employees and subject to the provisions of the Fair Labor Standards Act as it pertains to whether or not Plaintiffs were entitled to overtime pay for all overtime hours worked.

15. The Fair Labor Standards Act requires that employees be paid an overtime premium at a rate not less than one and one-half ($1 \frac{1}{2}$) times the regular rate at which they are employed for all hours in excess of forty (40) hours in a work week. 29 U.S.C. § 207(a).

16. Plaintiffs have not been paid overtime compensation under the Fair Labor Standards Act at a rate of $1 \frac{1}{2}$ their regular rate of pay for all hours worked.

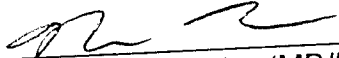
17. The acts of the Defendant constitutes a willful intentional violation of the Fair Labor Standards Act.

WHEREFORE PREMISES CONSIDERED, Plaintiffs respectfully pray that upon hearing of this matter by a jury, the Plaintiffs be granted the following relief in an amount to be determined by the jury:

1. Overtime wages;
2. Liquidated Damages;
3. Attorney fees;
4. Costs and expenses; and
5. Any other relief to which he may be properly entitled.

THIS the 21st day of December 2015.

Respectfully submitted,

By: 
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